

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ALYESKA MASTER FUND, L.P.,  
ALYESKA MASTER FUND 2, L.P.,  
and ALYESKA MASTER FUND 3,  
L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II; RIVERSTONE  
HOLDINGS LLC; ARM ENERGY  
HOLDINGS LLC; BAYOU CITY  
ENERGYMANAGEMENT, LLC; HPS  
INVESTMENT PARTNERS, LLC;  
JAMES T. HACKETT, HARLAN H.  
CHAPPELLE, WILLIAM  
GUTERMUTH, JEFFREY H. TEPPER,  
DIANA J. WALTERS; MICHAEL E.  
ELLIS; RONALD SMITH; DON  
DIMITRIEVICH; PIERRE F.  
LAPEYRE, JR.; DAVID M.  
LEUSCHEN; WILLIAM W.  
MCMULLEN; DONALD SINCLAIR;  
STEPHEN COATS; and THOMAS J.  
WALKER,

Defendants.

ORBIS GLOBAL EQUITY LE FUND  
(AUSTRALIA REGISTERED), ORBIS  
GLOBAL EQUITY FUND (AUSTRALIA  
REGISTERED), ORBIS GLOBAL  
BALANCED FUND (AUSTRALIA  
REGISTERED), ORBIS SICAV, ORBIS  
INSTITUTIONAL GLOBAL EQUITY L.P.,

Civil Action No. 4:22-cv-001189

Civil Action No. 4:22-cv-02590

ORBIS GLOBAL EQUITY FUND  
LIMITED, ORBIS INSTITUTIONAL  
FUNDS LIMITED, ALLAN GRAY  
AUSTRALIA BALANCED FUND, ORBIS  
OEIC, and ORBIS INSTITUTIONAL U.S.  
EQUITY L.P.,

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., f/k/a  
SILVER RUN ACQUISITION  
CORPORATION II; RIVERSTONE  
HOLDINGS LLC; ARM ENERGY  
HOLDINGS LLC; BAYOU CITY  
ENERGYMANAGEMENT, LLC; HPS  
INVESTMENT PARTNERS, LLC;  
JAMES T. HACKETT, HARLAN H.  
CHAPPELLE, WILLIAM  
GUTERMUTH, JEFFREY H. TEPPER,  
DIANA J. WALTERS; MICHAEL E.  
ELLIS; RONALD SMITH; DON  
DIMITRIEVICH; PIERRE F.  
LAPEYRE, JR.; DAVID M.  
LEUSCHEN; WILLIAM W.  
MCMULLEN; DONALD SINCLAIR;  
STEPHEN COATS; and THOMAS J.  
WALKER,

Defendants.

### [PROPOSED] ORDER

Having considered Defendant Donald Dimitrievich's Motion to Dismiss Plaintiffs' Complaints and Incorporated Memorandum of Law, the Court is of the opinion that the Motion should be **GRANTED** and Counts I and II in the Complaints against Mr. Dimitrievich should be **DISMISSED** with prejudice.

Accordingly, **IT IS ORDERED** that Mr. Dimitrievich's Motion to Dismiss Plaintiffs' Complaints and Incorporated Memorandum of Law is **GRANTED**.

**IT IS FURTHER ORDERED** that Counts I and II in Plaintiffs' Complaints against Mr. Dimitrievich are **DISMISSED WITH PREJUDICE** as to Mr. Dimitrievich.

Signed on \_\_\_\_\_, 2023.

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HONORABLE GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE